



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

March 20, 2017

System No. 5402030

Mr. Abdu Ahmed  
Waukena Market  
2053 W Liberty St.  
Hanford, CA 93230

**CITATION NO. 03-24-17C-021**

**VIOLATION OF CHSC 116555(a)(1) AND DIRECTIVES OF COMPLIANCE ORDER NO. 03-24-16R-018**

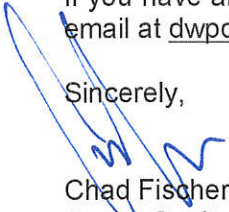
Enclosed is a Citation issued to the Waukena Market (hereinafter "Water System") public water system.

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Board") hourly rate (currently estimated at \$161) for the time spent on issuing this Citation. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Board has spent approximately one hour on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

If you have any questions regarding this matter, please contact Tulare District Staff at (559) 447-3300 or by email at [dwpsdist24@waterboards.ca.gov](mailto:dwpsdist24@waterboards.ca.gov).

Sincerely,

  
Chad Fischer, P.E.  
Senior Sanitary Engineer, Tulare District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

Certified Mail No.: 7016 1370 0000 0455 3208

cc: Tulare County Environmental Health Department  
Hamzah Ahmed (same address)

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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** Waukena Market

**Water System No:** 5402030

**Attention:** Mr. Abdu Ahmed  
2053 W Liberty St  
Hanford, CA 93230

**Issued:** March 20, 2017

**CITATION FOR  
VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE 116555(a)(1)  
AND  
DIRECTIVES OF COMPLIANCE ORDER NO. 03-24-16R-018**

The State Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues this citation pursuant to Section 116650 of the CHSC to the Waukena Market (hereinafter "Water System") for violation of CHSC, Section 116555(a)(1) and directives of Compliance Order No. 03-24-16R-018.

A copy of the applicable statutes and regulations are included in Appendix 1, which is attached hereto and incorporated by reference.

**STATEMENT OF FACTS**

Division is informed by the Waukena Market (hereinafter "Water System") and believes that the Water System is a transient noncommunity water system located in Tulare County that supplies water for domestic purposes to approximately 100 individuals through 2 service connections. The Water System operates under a domestic water supply permit (No. 03-24-16P-037) issued by the Division on October 19, 2016. The Water System is a transient noncommunity public water system as defined in CHSC, section 116275.

The Division issued Compliance Order No. 03-24-16R-018 to the Water System on May 10, 2016 for noncompliance with the nitrate maximum contaminant level (hereinafter "MCL"). A copy of the Compliance Order is included as Attachment 2. The Compliance Order directed the Water System to take certain actions, including the following Directives:

1. On or before **June 10, 2019**, comply with Title 22, CCR, Section 64431 and remain in compliance.
2. On or before **June 10, 2016**, submit a written response to the Division indicating the Water System's agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.
3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment B, hereto, of the Water System's failure to meet the nitrate MCL (10 mg/L as N) during any calendar quarter that the sample results exceeds the MCL.



- 1       4. Commencing on the date of service of this Order, submit proof of  
2       each public notification conducted in compliance with Directive  
3       No. 3, herein above, within 10 days following each such  
4       notification, using the form provided as Attachment C, hereto.
- 5       5. Commencing on the date of service of this Order collect quarterly  
6       samples for nitrate as N from Well 02, as required by Section  
7       64432(g), and ensure that the analytical results are reported to the  
8       Division electronically by the analyzing laboratory no later than the  
9       10<sup>th</sup> day following the month in which the analysis was completed.
- 10      6. Prepare for Division approval a Corrective Action Plan identifying  
11      improvements to the water system designed to correct the water  
12      quality problem (violation of the nitrate MCL) and ensure that the  
13      Water System delivers water to consumers that meets primary  
14      drinking water standards. The plan shall include a time schedule  
15      for completion of each of the phases of the project such as  
16      design, construction, and startup, and a date as of which the  
17      Water System will be in compliance with the nitrate MCL, which  
18      date shall be no later than December 1, 2018.
- 19      7. On or before **August 10, 2016**, present the Corrective Action Plan  
20      required under Directive No. 6, above, to the Division in person at  
21      the Division's offices located at 265 W. Bullard Avenue, Suite 101,  
22      Fresno, CA 93704.
- 23      8. Timely perform the Division approved Corrective Action Plan and  
24      each and every element of said plan according to the time  
25      schedule set forth therein.
- 26      9. On or before **July 10, 2016**, and every three months thereafter,  
27      submit a report to the Division in the form provided as Attachment

1 D, hereto, showing actions taken during the previous calendar  
2 three months to comply with the Corrective Action Plan.

3 10. Not later than ten (10) days following the date of compliance with  
4 the nitrate MCL, demonstrate to the Division that the water  
5 delivered by Water System complies with the nitrate MCL.

6 11. Notify the Division in writing no later than five (5) days prior to the  
7 deadline for performance of any Directive set forth herein if Water  
8 System anticipates it will not timely meet such performance  
9 deadline.  
10

11 To date, the Water System has failed to comply with Directive Nos. 6, 7, and  
12 9 of Compliance Order No. 03-24-16R-018. The Water System has not  
13 presented a Corrective Action Plan (CAP) for correction of the nitrate MCL  
14 to the Division. The Water System continues to violate the nitrate MCL and  
15 does not appear to be making progress towards the compliance deadline  
16 established in Directive No. 1 of Compliance Order No. 03-24-16R-018.  
17 Having failed to prepare and present a CAP (Directive Nos. 6&7) to the  
18 Division, the Water System has failed to routinely submit the required  
19 quarterly progress reports showing actions taken during the previous  
20 calendar quarter to comply with the CAP, as required by Directive No. 9.  
21

## 22 DETERMINATION

23 Based on the above Statement of Facts, the Division has determined that  
24 the Water System has violated CHSC, Section 116555 and further has  
25 determined that said violation has continued from August 10, 2016, and  
26 through the date of this Citation.  
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## ADMINISTRATIVE PENALTIES

Section 116650(a) of the CHSC allows for the issuance of a citation for failure to comply with the requirements of the California Safe Drinking Water Act, or any regulation, permit, standard, citation, or order issued thereunder. Section 116650(d) and (e) allow for the assessment of a penalty not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurs.

The Water System has failed to comply with the Directives of Compliance Order No. 03-24-16R-018. Therefore, the Division hereby assesses an administrative penalty of one thousand dollars (\$1,000) upon the Waukena Market Water System.

## DIRECTIVES

The Water System is hereby directed to take the following actions:

1. On or before **June 10, 2019**, comply with Title 22, CCR, Section 64431 and remain in compliance.
2. Prepare for Division approval a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the nitrate MCL) and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup, and a date as of which the Water System will be in compliance with the nitrate MCL, which date shall be no later than June 10, 2019.



1  
2 3. On or before May 5, 2017, present the Corrective Action Plan  
3 required under Directive No. 6, above, to the Division in person at the  
4 Division's offices located at 265 W. Bullard Avenue, Suite 101,  
5 , Fresno, CA 93704.

6  
7 4. Timely perform the Division approved Corrective Action Plan and  
8 each and every element of said plan according to the time schedule  
9 set forth therein.

10  
11 5. On or before April 10, 2017, and every three months thereafter,  
12 submit a report to the Division in the form provided as Attachment D,  
13 hereto, showing actions taken during the previous calendar three  
14 months to comply with the Corrective Action Plan.

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16 6. Notify the Division in writing no later than five (5) days prior to the  
17 deadline for performance of any Directive set forth herein if Water  
18 System anticipates it will not timely meet such performance deadline.  
19

20 7. Pay the Penalty of \$1,000 on or before May 5, 2017. Payment shall  
21 be made by check and made payable to the Safe Drinking Water  
22 Account with the number of the Citation written on the back. Further  
23 instruction on submittal of payment is provided in Attachment 3 of this  
24 Citation, *Notice of Citation Issuance*.

25  
26 The requirement to pay the Penalty and any and all additional penalties shall  
27 be suspended until May 5, 2017. Such suspension of the requirement to  
28 pay the Penalty and any and all additional penalties may be extended by the

1 Division beyond May 5, 2017. Such extension may be effected only by  
2 written notice from the Division to the Water System. Additionally, the  
3 requirement to pay the Penalty and any and all penalties may be waived if  
4 the Division, in its sole discretion, determines that the Water System has  
5 complied with the directives of this Citation. Such waiver may be effected  
6 only by written notice from the Division to the Water System.

7  
8 All submittals required by this Citation, other than the payment of the  
9 Penalty, shall be addressed to:

10  
11 Chad Fischer, P.E.  
12 Senior Sanitary Engineer, Tulare District  
13 State Water Resources Control Board  
14 Division of Drinking Water  
15 265 W. Bullard Ave., Suite 101  
16 Fresno, CA 93704

17  
18 The State Board reserves the right to make such modifications to this  
19 Citation as it may deem necessary to protect public health and safety. Such  
20 modifications may be issued as amendments to this Citation and shall be  
21 effective upon issuance.

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23 Nothing in this Citation relieves the Water System of its obligation to meet  
24 the requirements of the California SDWA (CHSC, Division 104, Part 12,  
25 Chapter 4, commencing with Section 116270), or any regulation, standard,  
26 permit or order issued or adopted thereunder.



**PARTIES BOUND**

This Citation shall apply to and be binding upon the Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.


**SEVERABILITY**

The directives of this Citation are severable, and the Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the State Board to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this Citation.

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Carl L. Carlucci, P.E.  
Supervising Sanitary Engineer  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

3-20-2017

Date



Appendices (3):

1. Applicable Statutes and Regulations
2. Copy of Compliance Order
3. Notice of Citation Issuance Penalty

Certified Mail No.: 7016 1370 0000 0455 3208